

INCIDENT TELEGRAM

Department of State

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Control: 15884
Rec'd: JULY 23, 1959
6:19 P.M.

FROM: GENEVA

TO: Secretary of State

NO: CAHTO 164, JULY 23, 8 P.M.

Repeated to Moscow for V.P. + Kohler by DFTEL 278

FOR DILLON FROM THE SECRETARY

YOUR TOCAH 171. MESSAGE SENT BY PRESIDENT TO MACMILLAN STATES MINIMUM TERMS ON WHICH WE WOULD HAVE TO AGREE HERE BEFORE PRESIDENTIAL AGREEMENT TO A SUMMIT. HOWEVER, NOT CLEAR JUST WHAT WORDS "COMPLETE RESPECT OF OUR RIGHTS IN BERLIN" MEAN. BELIEVE IT IMPORTANT OBTAIN CLARIFICATION THIS POINT. ALSO IMPORTANT THAT NIXON BE ADVISED OUR THINKING AGAINST THE POSSIBILITY THAT KHRUSHCHEV RAISES THIS ISSUE. ALL OF FOLLOWING. FYI FOR NIXON SINCE WE DO NOT EXPECT HIM TO INITIATE DISCUSSION THIS SUBJECT.

IN OUR JUNE 16 OFFER TO SOVIETS, NO REFERENCE WAS MADE TO RIGHTS. AS SUCH. FOLLOWING PHRASEOLOGY WAS USED:

"THEY (THE FOREIGN MINISTERS OF FRANCE, THE UNITED KINGDOM, THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS) AGREED THAT THE BEST SOLUTION FOR THESE PROBLEMS WOULD BE THE REUNIFICATION OF GERMANY. THEY RECOGNIZED, HOWEVER, THAT, PENDING REUNIFICATION, THE EXISTING SITUATION AND THE AGREEMENTS AT PRESENT IN FORCE CAN BE MODIFIED IN CERTAIN RESPECTS AND HAVE CONSEQUENTLY AGREED UPON THE FOLLOWING:

LATER IN OUR JUNE 16 OFFER IT WAS STATED:

"THE MINISTERS AGREED THAT UNLESS SUBSEQUENTLY MODIFIED BY FOUR POWER AGREEMENT THESE ARRANGEMENTS WILL CONTINUE IN FORCE UNTIL THE REUNIFICATION OF GERMANY."

"THERE IS

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CONTROL: 15884
CORRECTION ISSUED:

7/24/59, 9 AM
-CORRECTED PAGE 2

-2- CAHTO 164, JULY 23, 8 P.M., FROM GENEVA

"THERE IS NO (REPEAT NO) NEED THAT OUR RIGHTS BE EXPLICITLY REAFFIRMED. THESE RIGHTS, WHICH ON A NUMBER OF OCCASIONS HAVE BEEN RECOGNIZED BY THE USSR AS LEGITIMATE IN ORIGIN AND CONTINUING IN FACT, DERIVE FROM THE WAR AND FROM SOLEMN POSTWAR AGREEMENTS RATIFIED BY THE USSR. NOTHING THAT THE USSR IS NOW BEING ASKED TO STATE OR DO WOULD ADD TO OR DETRACT FROM THESE RIGHTS OR FROM SOVIET RESPONSIBILITIES. THE ONLY THING THAT IS CONTEMPLATED AT THIS TIME IS THE MODIFICATION OF THE AGREEMENTS SPELLING OUT HOW THESE RIGHTS ARE TO BE EXERCISED. ACCORDINGLY UNDER THE FORMULATION WE ARE PROPOSING, OUR RIGHTS WILL CONTINUE TO EXIST EVEN AFTER A FAILURE OF THE FOREIGN MINISTERS CONFERENCE CONTEMPLATED AT THE EXPIRATION OF ANY TIME PERIOD AGREED FOR AN INTERIM SOLUTION OF BERLIN.

OUR PRESENT THINKING OF HOW PRESENT AT LEAST INITIALLY SUCH A TIME PERIOD IS TO ADD TO THE SECOND PARAGRAPH QUOTED ABOVE THE SENTENCE:

"THESE ARRANGEMENTS CAN BE REVIEWED AT ANY TIME AFTER BLANK YEARS, IF SUCH REVIEW IS REQUESTED BY ANY OF THE FOUR POWERS."

THIS FORMULATION OF THE TIME PERIOD WOULD ALSO LEAVE OUR RIGHTS UNAFFECTED.

IN SUMMARY, WE HERE BELIEVE THAT IT SHOULD BE CLEARLY UNDERSTOOD THAT NO (REPEAT NO) ARRANGEMENTS OR AGREEMENTS WHICH MAY BE REACHED HERE SHALL BE CONSTRUED AS AFFECTING OR MODIFYING IN ANYWAY THE EXISTING RIGHTS AND OBLIGATIONS OF THE FOUR POWERS IN AND RELATING TO BERLIN, EXCEPT AS SPECIFICALLY AGREED BY THE FOUR POWERS. SINCE THESE RIGHTS REST UPON THEIR OWN BOTTOM, THEY WILL CONTINUE UNAFFECTED BY THE ARRANGEMENTS WE PROPOSE, EXCEPT TO THE EXTENT THAT WE ARE REVISING THE AGREEMENTS SPECIFYING HOW THEY ARE TO BE EXERCISED. THIS, IT SHOULD BE NOTED, DOES NOT CONSTITUTE A REQUEST ON OUR PART THAT THE SOVIETS "PERPETUATE" OUR RIGHTS. THEY ARE NOT REPEAT NOT BEING ASKED TO "REAFFIRM" THE RIGHTS FOR THE SIMPLE REASON THAT SUCH SUCH REAFFIRMATION IS NOT REQUISITE TO THE

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CONTINUING VALIDITY OF THE RIGHTS.

WE ALSO BELIEVE IT IMPORTANT THAT THE VICE PRESIDENT BEFORE
TALKING WITH KHRUSHCHEV HAS LATEST UNDERSTANDING HOW THIS
MATTER STANDS, PARTICULARLY IN LIGHT GROMYKO'S STATEMENT
YESTERDAY THAT USSR WOULD TAKE NO UNILATERAL ACTION DURING
TERM ANY AGREEMENT ON BERLIN OR DURING NEGOTIATIONS THERE-
AFTER. GROMYKO'S FORMULATION, YOU WILL NOTE, IS NO REPEAT NO
CONCESSION, BECAUSE HE LEAVES OPEN QUESTION OF WHAT WILL
HAPPEN IF NEGOTIATIONS FAIL AND BY IMPLICATION HE IS RESERVING
RIGHT TO TAKE UNILATERAL ACTION, E.G., SEPARATE PEACE TREATY
WITH GDR, IN THAT EVENTUALITY, WE REGARD IT AS ESSENTIAL THAT
IN ANY AGREEMENT ON BERLIN WE OBTAIN THE LANGUAGE QUOTED IN
SECOND PARAGRAPH OF THIS TELEGRAM,

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UE:JAK

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